

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DAVID R. MURPHY and DEPARTMENT OF THE NAVY,
MILITARY SEALIFT COMMAND, Bayonne, N.J.

*Docket No. 97-555; Submitted on the Record;
Issued December 10, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
WILLIE T.C. THOMAS

The issue is whether appellant has established a ratable hearing loss entitling him to a schedule award under 5 U.S.C. § 8107.

In the present case, appellant filed a claim on June 15, 1995, alleging that he sustained hearing loss causally related to factors of his federal employment. The Office of Workers' Compensation Programs accepted bilateral hearing loss and authorized hearing aids. By decision dated June 17, 1996, the Office determined that appellant's hearing loss was not severe enough to entitle him to a schedule award under the Federal Employees' Compensation Act.

The Board finds that appellant has not established entitlement to a schedule award for hearing loss under section 8107 of the Act.

The Office evaluates industrial hearing loss in accordance with the standards contained in the American Medical Association, *Guides to the Evaluation of Permanent Impairment* using the frequencies of 500, 1,000, 2,000 and 3,000 Hertz (Hz). The threshold levels at each frequency are added up and averaged to determine the estimated hearing level for speech. A "fence" of 25 decibels (dBs) is deducted since, as the A.M.A., *Guides* points out, losses below 25 dBs result in no impairment in the ability to hear everyday speech in everyday conditions. The remaining amount is multiplied by 1.5 to arrive at the percentage of monaural hearing loss. The Board has concurred in the Office's use of this standard for evaluating hearing losses for schedule award purposes.¹

In this case, the Office referred appellant for otologic examination by Dr. John A. Kim, an otolaryngologist. In a report dated March 8, 1996, Dr. Kim diagnosed moderate to severe high frequency sensorineural hearing loss secondary to occupational noise exposure. The

¹ See *Danniel C. Goings*, 37 ECAB 781 (1986).

accompanying audiogram revealed decibel levels of 5, 10, 25 and 50 for the relevant frequencies noted above; for the left ear, the levels were 5, 5, 25 and 55.

To determine the percentage of monaural loss under the A.M.A., *Guides*, the decibel levels are added, divided by 4, and the fence of 25 is deducted, and the result is multiplied by 1.5. Applying this formula to the above results, there is a 0 percent monaural loss for each ear.² Accordingly, the Board finds that the Office properly found that the hearing impairment in this case was not ratable under the A.M.A.,

1234 *Guides*.

The Board notes that appellant stated that he had lost wages as a result of his condition, and that this was the main criterion for payments under a schedule award. A schedule award represents compensation for the permanent loss or loss of use of a specified member of the body;³ compensation for wage loss is a separate issue that is not before the Board on this appeal.

The decision of the Office of Workers' Compensation Programs dated June 17, 1996 is affirmed.

Dated, Washington, D.C.
December 10, 1998

Michael J. Walsh
Chairman

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

² The Board notes that the record contains an August 30, 1994 audiogram; applying the same formula to those decibel levels would also result in a 0 percent monaural loss.

³ See 5 U.S.C. § 8107.